

## **How can aviation law and policy facilitate open access to the new airport of Istanbul - Part I - Pablo Mendes de Leon - Leiden University - 2nd Istanbul Hub Seminar presentation summary**

Dr. Mendes de Leon as legal professor and expert in aviation touched on several legal aspects that Turkey's airports, airlines and authorities could think when preparing for the opening of the new airport

### **International Rules on Market Access.**

Turkey is a member of the International Civil Aviation Organization (ICAO) and should follow the nondiscrimination principle of market access. It means Turkey should provide the same treatment to national carriers and international carriers (e.g. airport charges).

### **Air Services Agreements**

These were defined by Dr. Mendes de Leon as "provide the legal vehicle for market access" highlighted that normally the Turkish Civil Aviation Authority (CAA) is responsible to designate the airport. The question on this respect is which kind of policy the Turkish CAA wants to provide a more restricted approach or an open skies approach. At the moment Turkey seems to use a more restricted where there is either a single carrier or multi-carrier designation.

### **Slot Allocation**

Becomes relevant when there is congestion and nondiscrimination principle should prevail between national carriers and international carriers. The Turkish Civil Aviation authority has to decide which rules to apply when transferring the capacity from Ataturk airport to the new airport. Among the possibilities mentioned by Dr. Mendes de Leon were: domestic rules, IATA routes or EU rules.

### **Turkey - EU Market**

The EU represent an important market for Turkey's aviation and if wanted to have a closer cooperation there are some rules that apply. For instance in the case the EU is treated as an individual market, which is been discussed under the horizontal agreement between the EU and Turkey Dr. Mendes de Leon mention: "if Turkey wants to freely export air services and traffic to a market like the EU, Turkey will import a number of rules and policies"

### **Second Airport - Sabiha Gökçen**

When the new airport is open one thing that Turkey will have to decide is how to allocate the traffic in both airports. For instance, is it going to be left free to the airports or airlines to decide that or there will be other institutions deciding. On this context Dr. Mendes de Leon mention that the EU has experience from several cases across Europe (e.g. Milan, Paris, etc.) in setting the grounds that avoid discriminations or preferential treatment.